

SENATOR LABEDZ: And then on lines 3 to 12 on the committee amendments it would delete new language offered by the Judiciary Committee pertaining to ex parte orders. And then on lines 13 to 19 it would reinstate the alimony language of the bill.

PRESIDENT: Are you finished, Senator Labedz? Senator Beutler, do you want to comment on that?

SENATOR BEUTLER: Mr. President and members of the Legislature, with regard to the particular amendment we are on now, the issue is basically this. When there is pending a divorce action it is sometimes necessary to restrain one party or the other from harming or otherwise creating a domestic disturbance, and up until this point in time there has been some feeling that the method in which we have tried to handle this situation has not been adequate, that is basically what we have done is issue a restraining order and then if that restraining order is not observed, then another proceeding commences and the person who did not observe the restraining order is held in contempt of court. However, that has not been particularly successful. The idea of having another hearing in order to have somebody declared in contempt has not been it is felt a sufficient remedy for the situation. So in order to correct that, what the Judiciary Committee did was basically take an idea brought to us by Senator Hoagland who was one of the sponsors of 371 and Senator Hoagland said, let's have a mild criminal penalty for violation of a restraining order, and he thought and we agreed with him that that would be a more successful solution to the problem than what we currently have. And so we put Senator Hoagland's language into the bill. The language that we dropped out of the bill at the same time was this reference to minor children affected by the action. Now under the bill as it was originally drafted, it would have sought to help alleviate the same problem that I am just talking about by allowing the restraining order to preclude a father, for example, from disturbing his children, and we felt that from the evidence before the committee that it really wasn't a problem with the children. The fathers were really not disturbing children and that getting at the father through the children was not a way to correct this problem. So instead of this kind of a solution that was proposed originally in 371, we took Senator Hoagland's idea and adopted that and said basically we are going to toughen the law by enacting a criminal penalty. So that is basically the choice that you have and that is the...and I have described to you the action that the committee took. Thank you.